

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN G. TIDWELL,

Defendant.

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Case No. 3:13cr99

JUDGE WALTER H. RICE

DECISION AND ENTRY OVERRULING DEFENDANT'S EMERGENCY
MOTION FOR REVIEW OF DETENTION ORDER (DOC. #41) WITH
POSSIBILITY OF BRIEF FURLOUGH; RIGHT OF APPEAL EXPLAINED

Defendant is on supervised release with this Court, a status that began August 7, 2017. On March 4, 2020, Defendant appeared in open Court and admitted to allegations 1, 3 and 4 in a Petition directing him to show cause why his supervised release should not be revoked. He was found in violation of his supervised release at that time. On April 3, 2020, an Amended Petition was filed, adding four more allegations to the original Petition. Due to the closing of the Court, as a result of the Coronavirus, Defendant has not yet appeared in open Court to answer to the four newly added allegations. However, regardless of his admissions or denials, on their face, the allegations depict a man whose drug addiction has flared up, causing Defendant to be in a downward spiral.

Pursuant to the record made during telephone conversations had on March 30, March 31 and April 10, 2020, the Court believes that there is no condition or combination of conditions such as to guarantee the appearance of the Defendant when required and/or the safety of any

other person and the community. In short, to release Defendant at this time, when this community is in lockdown status as a result of the Coronavirus, would risk this Defendant not only becoming a victim of the Coronavirus but, should he contract same, a danger to others in the community.

The Court understands that Defendant's grandmother is ill, perhaps terminally so, and would like release in order to visit with her. On March 31, 2020, this Court advised Defendant's counsel that if she is able to secure a letter from a physician or, for that matter, from someone from Hospice, attesting to the grandmother's condition and prognosis, this Court would favorably consider a brief furlough in order to allow Mr. Tidwell to visit with her. As of the dictation of this Entry on April 20, 2020, this Court has heard nothing further in this regard.

Defendant, to whom a copy of this Entry is sent, is advised that he has fourteen days from the filing of this Decision and Entry to appeal this Court's decision rendered herein to a higher court. He is entitled to the services of an attorney to aid him in such an appeal. Should he wish to appeal and desires an attorney to represent, the Court will appoint an attorney for him, at no cost, to assist him in such an appeal.

April 24, 2020



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record
Laura Sebulsky, U.S. Probation Officer
John Tidwell, c/o Miami County Jail, 2042 N County Rd 25A, Troy, OH 45373